

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

October 12, 2009
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, Creighton, Davidson, and Lee

ABSENT: None.

1. Executive Session

Deputy Mayor Balducci called the meeting to order at 6:00 pm., and announced recess to Executive Session for approximately 15 minutes to address one item of pending litigation.

The meeting resumed at 6:33 p.m., with Mayor Degginger presiding.

2. Oral Communications

- (a) Bill Hirt spoke regarding the Sound Transit East Link light rail project, and submitted his comments in writing. He feels the project will not attract the number of riders estimated by Sound Transit. The majority of residents along the preferred route want it moved to the BNSF right-of-way, which would result in even fewer riders. He urged the Council to stop the project altogether and to redirect funding to other Eastside projects such as rebuilding the SR 520 bridge and eliminating the need for tolls for the bridge project.
- (b) Christie Hammond, speaking on behalf of the Surrey Downs East Link Committee, urged the Council and the City to fully study the newly proposed C9T alignment through Downtown Bellevue. She expressed residents' concerns regarding the proposed locating of construction staging areas adjacent to the Surrey Downs neighborhood. Additional negative impacts related to the ongoing operation of a light rail system include noise, vibration, air quality, visual blight, and property condemnation. Ms. Hammond stated that the C9T alignment is a poor choice for South Bellevue. If Council chooses to move forward with this option, Surrey Downs residents request that the City make a number of provisions to comply with Bellevue's established best practices for light rail and with Comprehensive Plan policies regarding neighborhood protection.
- (c) Stephanie Mapelli, Leadership Eastside, reported on the organization's accomplishments during the past five years and presented the Council with its 2009 Annual Report. She noted the list of Bellevue employees who have participated in the program. Ms. Mapelli

thanked the Council for its past support and encouraged the City's continued participation.

Deputy Mayor Balducci noted that Nancy Lacombe is another LE graduate now working for the City of Bellevue.

- (d) Dan Andersen, a Marysville resident, described his efforts to organize a 5K run for Veterans Day in honor of Joe White, a Bellevue resident who was killed in Afghanistan. He requested the City's assistance in the form of two police officers to man intersections along the route. Mr. Anderson noted the need for donations and volunteers, and referred the Council and the public to Joe White Veterans Day 5K on Facebook for information.
- (e) Patrick Bannon, Communications Director with the Bellevue Downtown Association, submitted comments in writing and reviewed the BDA's position regarding the East Link light rail project. The BDA appreciates Sound Transit's identification of another tunnel alternative along 110th Avenue NE, and shares the Council's preference for a tunnel rather than an at-grade system. Mr. Bannon commended the Council for its work with Sound Transit on this important issue.
- (f) Scott Lampe noted that Sound Transit's presentation tonight will cover the viability of a light rail station at SE 8th Street previously proposed by Surrey Downs residents. The residents' original proposal was a facility with 2,500-3,000 parking stalls. Sound Transit has compared this proposal to a facility with 1,000 parking stalls that Sound Transit originally proposed for 118th Avenue. As a result, Mr. Lampe said the costs for the residents' proposal will be proportionally higher. He further noted that Sound Transit interprets the residents' proposal as a nine-story facility, while the original proposal is for a five-story parking garage.

3. Study Session

(a) Council Business and New Initiatives

Deputy Mayor Balducci stated her intent to introduce a moratorium on future helistops until the impacts can be fully researched and a policy can be appropriately formulated. She noted that a moratorium would not affect the pending application for a helistop permit. Ms. Balducci believes that the issue is larger than the immediate permit application due to the potential impacts on the growing residential population in the downtown. She feels it is necessary to establish limits on the number of helistops and the level of traffic to be allowed. Ms. Balducci asked the Council to consider adding this item to next week's agenda. She does not intend to apply the moratorium or future regulations to emergency helicopter uses.

Councilmember Davidson opined that it is not possible to debate a moratorium on helistops without violating the quasi-judicial nature of the pending Conditional Use Permit application.

Deputy Mayor Balducci explained that she has spoken with the City Attorney, who had advised that there is no inherent conflict in discussing a moratorium as long as the specific pending application is not addressed.

Councilmember Chelminiak said he is interested in talking with the City Manager about whether imposing a moratorium would affect the Council's ability to rule in a quasi-judicial manner, and on whether alternative approaches are available for addressing the issue. He supports adding the item to an agenda and having the opportunity to discuss the issue with the City Manager.

Councilmember Lee acknowledged the seriousness of the issue. He is not ready to support a moratorium until a full review can be conducted.

Councilmember Bonincontri supports adding the moratorium discussion to next week's agenda. She believes it would be possible to separate the broader policy discussion from specific consideration of the current application.

Councilmember Creighton is open to looking at the larger issue but he does not see a need for a moratorium, as he is not aware of any other potential plans for a helistop in the community. He would like staff to research the issue and get back to the Council after the hearing for the helistop CUP application is completed. He agrees with Dr. Davidson that consideration of the policy issues and the current specific application should be handled consecutively.

Deputy Mayor Balducci clarified that her proposal is to implement a moratorium to allow further study of the issues and impacts, and to later address specific policy issues after the current helistop application is decided.

→ Deputy Mayor Balducci moved to add to the October 19 meeting agenda a discussion of whether to issue a moratorium on helipad development, and that the information requested by Councilmembers tonight be included in next week's meeting packet. Councilmember Chelminiak seconded the motion.

Councilmember Davidson expressed concern that a moratorium in general interferes with citizens' rights. In addition, he is reluctant to discuss a moratorium on this specific type of development until the pending helistop appeal matter is resolved.

Councilmember Lee stated that he is interested in looking at the issues, but he is not ready to consider a moratorium at this time.

Mayor Degginger said he would have questions for the City Attorney about how to keep the policy issues separate from the pending appeal matter, should the Council decide to discuss a potential moratorium.

→ The motion to add to the October 19 meeting agenda, the discussion of a possible moratorium on helipad development, carried by a vote of 4-3 with Councilmembers Creighton, Davidson, and Lee opposed.

Mayor Degginger requested that the City Attorney prepare a presentation for next week's discussion.

- (b) Sound Transit Briefing on East Link Segments B, C and D, including Station Locations and Alignment within the Spring District

City Manager Steve Sarkozy noted staff's ongoing efforts to monitor Sound Transit's work on the East Link light rail project, and to keep the Council up to date on the process.

Transportation Director Goran Sparrman commented on the complexity of the East Link project and the active involvement of staff from multiple departments (i.e., Transportation, Parks, Utilities, and Planning) to collaborate in addressing the numerous issues and challenges. An Oversight Committee composed of the City Manager and several Department Directors meets monthly to monitor the project work. Bernard van de Kamp, Regional Projects Manager, functions as the program coordinator for interdepartmental activities.

Councilmember Davidson questioned who paid for the Beacon Hill Tunnel and who is paying for the tunnel in Phase I that is going from Seattle to Lake City Way.

Ric Ilgenfritz, Sound Transit, responded that the tunnels were funded by Sound Transit according to its financial policies including the subarea equity policy. The Beacon Hill Tunnel was funded approximately 77 percent by local (Sound Transit) dollars, and received matching funds from the federal government. The North Link Tunnel is funded through a 45 percent federal share and 55 percent local (Sound Transit) share.

Mr. Ilgenfritz opened the presentation with an updated revenue forecast. Sound Transit anticipates a 20 percent shortfall (\$3.1 billion) in forecasted revenues over the 15-year Phase 2 plan. While the economy is expected to improve by next year, Sound Transit will not regain pre-recession revenues until 2013. Near-term gains of the current economy are lower borrowing rates (3.54 percent on 2009 bonds) and a favorable bidding environment. Sound Transit continues to pursue federal grant and stimulus funding.

Responding to Deputy Mayor Balducci, Mr. Ilgenfritz said the South and East King County Subareas are constrained in terms of revenue versus capital expenditures. For the South King Subarea, revenues are disproportionately low compared to the rest of region. In the case of the East King Subarea, this is a function of an aggressive capital program under which Sound Transit anticipates spending down the available resources.

Continuing, Mr. Ilgenfritz said the East Link project costs are estimated at \$2.4 billion to \$2.7 billion. The removal of the planning reserve due to reduced revenues requires that Sound Transit manage the project within the low cost estimate. In order to rebuild project reserves going forward, as directed by the Sound Transit Board of Directors, Sound Transit will look for savings in the base project scope.

Don Billen, Sound Transit Project Manager, recalled that the I-90 preliminary engineering scope includes recommendations from the I-90 Independent Review Team appointed by the State. Appraisals of the center roadway are underway by independent consultants. Sound Transit is working toward reaching agreement by December 1 on the terms for the conversion of the center roadway.

Responding to Councilmember Davidson, Mr. Billen said there is a preliminary engineering design to accommodate the bridge's movements between the floating bridge and the fixed span. Sound Transit anticipates completing the design of the track/bridge rail joint next year, and then building a prototype that can be tested.

Responding to Councilmember Lee, Mr. Billen said there are number of rail bridges around the world that have accommodated similar movements.

Mr. Billen described the East Link preferred alternative for Segment B, which is a modified side-running alignment along Bellevue Way and 112th Avenue that was proposed by the City. It is the only alternative with no residential or business displacements. It provides separation from homes, improves light rail operations, and reduces construction impacts. Mr. Billen reviewed the configuration of the South Bellevue Station/Park and Ride facility and the side-running alignment along Bellevue Way and 112th Avenue.

Responding to Councilmember Davidson, Mr. Billen said Sound Transit looks at impacts to the wetlands and the buffers. Based on available mapping, the proposed side-running alignment primarily affects the buffers.

Mr. Billen said the next steps for the South Bellevue pre-design process are a public workshop on Wednesday, geotechnical drilling to understand the soil conditions along the alignment, survey work, and continued refinement of the alignment and station configuration.

Responding to Councilmember Lee, Mr. Billen said the total budget for East Link preliminary engineering and the Final Environmental Impact Statement (FEIS) is approximately \$15 million. Mr. Lee requested information on the costs of the Bellevue segments.

Responding to Councilmember Creighton, Mr. Billen said Sound Transit is preparing a Supplemental Draft EIS to study the impacts of the modified side-running alignment.

Responding to Deputy Mayor Balducci, Mr. Billen said an elevated station at the South Bellevue Park and Ride facility accommodates the transition from I-90, and also provides a separation from bus, vehicular, and pedestrian activity at street level.

Mr. Billen responded to additional questions of clarification.

Responding to Councilmember Chelminiak, Mr. Billen said there will be an opportunity for public comment on the Supplemental DEIS. A revised project schedule will be published early next year.

Mayor Degginger questioned the potential for cost savings with the B3 side-running alignment. Mr. Billen said the option clearly saves road reconstruction costs. Additional factors are the type of structures to be required on the side and mitigation costs. Sound Transit will know more after soil samples are taken. Mr. Billen said updated project estimates will be provided early next year.

Continuing, Mr. Billen said Sound Transit continues to evaluate all alternatives and to respond to comments submitted in response to the DEIS. The FEIS review will address a potential jog at SE 8th Street as requested by the City Council.

Mr. Billen described a Modified Alternative B7 proposal from Surrey Downs residents to shift the 118th Avenue station north to SE 8th Street, and to build a 2,500-3,000 stall parking garage with access ramps to I-405. Sound Transit's evaluation of the concept is that it is complex, costly, and incompatible with the I-405 Master Plan. The proposed station adds approximately \$100 million to the original B7 option. Mr. Billen said this proposal will be responded to in the FEIS.

Responding to Mayor Degginger about noise levels, Mr. Billen said Sound Transit is conducting additional testing on the existing light rail system in Seattle, which will be applied to the East Link FEIS. Sound Transit is committed to mitigating all noise impacts.

Responding to Councilmember Davidson, Mr. Billen provided further explanation about the proposed jog at SE 8th Street for the B3 alternative.

Deputy Mayor Balducci noted that the residents' proposal for a larger station at SE 8th Street is based in part on capturing a larger ridership. Mr. Billen said the original proposal for the 118th Avenue station has 1,000 parking stalls, and adding more stalls does not necessarily induce more ridership. However, even if the station proposed by Surrey Downs residents was smaller, construction costs would be very high based on building a structure and ramps over the existing I-405 roadway. Mr. Billen noted that the transportation benefits do not justify the cost.

Responding to Councilmember Davidson, Mr. Billen said construction costs for the South Bellevue Station are included in the total cost estimate for Segment B alternatives provided in the DEIS.

Responding to Councilmember Chelminiak, Mr. Billen confirmed that the proposal by residents for a station at SE 8th Street will not be studied in the FEIS, based on Sound Transit staff's recommendation to the Sound Transit Board that the modified alternative is not feasible or cost effective.

Responding to Councilmember Creighton, Mr. Billen clarified that the modified B7 option proposed by residents represents an additional \$100 million in costs compared to the 118th Avenue station option.

Mayor Degginger requested cost estimates on the stations and parking garages for the B3 and B7 options, to allow the Council to compare the costs of these specific project components. Mr. Billen said he will provide this information.

Responding to Deputy Mayor Balducci, Mr. Billen said at the DEIS stage, cost estimates were \$520 million for the B3 alternative and \$510 million for the B7 alternative.

Continuing, Mr. Billen reviewed Segment C through Downtown Bellevue. The Sound Transit Board identified an at-grade alignment as the preferred alternative, and directed staff to conduct a traffic analysis peer review with City staff. This group will begin meeting next week. The Board identified the 108th Avenue alignment as the preferred tunnel alternative to be considered if additional funding becomes available. Noting that the original alternatives reflect an at-grade crossing at 116th Avenue in the medical district, the Sound Transit Board asked staff to determine the feasibility of an elevated crossing and pedestrian overpass. Staff concluded that an elevated crossing is feasible, and there are a number of options for providing pedestrian access.

Mr. Billen explained that Sound Transit received a number of comments suggesting a tunnel along 110th Avenue in the Downtown instead of the 106th and 108th Avenue alignments. A tunnel peer review panel, which includes parties who have been involved in the design of the Beacon Hill and North Link tunnels, was established to study Downtown Bellevue tunnel options. The panel recommended further review of the 110th Avenue tunnel alternative.

Mr. Billen described the 110th Avenue tunnel option, which combines aspects of the preferred at-grade alternative with the 106th and 108th Avenue tunnel options. This option has an elevated station at I-405 and Main Street with an elevated line over 112th Avenue before tunneling into the hillside. The alignment impacts businesses along Main Street, but does not appear to impact residences. Mr. Billen said this alternative involves a shallow tunnel under 110th Avenue and a station under the intersection of 110th Avenue and NE 4th Street. This station would be close to the Transit Center at NE 6th Street but would avoid construction impacts to the center. The alignment travels underneath City Hall and over I-405 to connect to the BNSF rail corridor, with a station serving the hospital district at NE 8th Street. The light rail line then enters the Bel-Red corridor to travel east.

Mr. Billen noted that the 110th Avenue tunnel option avoids impacts to businesses along NE 6th Street, which were the subject of concern in comments to the DEIS. It also avoids some of the impacts along NE 12th Street that were of concern to the Council.

Councilmember Davidson questioned the feasibility of a station at Main and 106th Avenue. Mr. Billen explained that since the Red Lion site has already been identified as an acquisition, Sound Transit saw this as an opportunity for a station serving that portion of the Downtown, including hotels.

Regarding the 110th Avenue option, Councilmember Chelminiak questioned the feasibility of going underground from the east side of 112th Avenue, instead of an elevated line over 112th before going into the hillside. Mr. Billen said staff can take a look at that modification, now that

the Board has authorized conceptual engineering for the alignment. The impacts will depend on the construction technique. Mr. Chelminiak expressed an interest in providing park space above the tunnel if feasible.

Councilmember Lee said he is not in favor of a light rail station at the 112th Avenue/Main Street location because it does not serve the majority of the Downtown.

Councilmember Davidson suggested an alignment along 114th Avenue next to I-405, with a pedestrian tunnel connecting to the Transit Center. Mr. Billen recalled that alternatives along 114th were studied during the screening process in 2006. The Sound Transit Board provided direction to focus the light rail line to the west of 112th in order to better serve the Downtown and remain an attractive option for riders.

Deputy Mayor Balducci said she does not see an immediate need for the east Main Street station, although it might be feasible in the future. She noted the importance of providing good service to the Downtown and the Transit Center, and expressed support for not going too far east with the Downtown alignment.

Mayor Degginger is interested in considering the 110th Avenue tunnel alternative, and in further study of the East Main Station option in terms of its area of service and impact on travel times. The Council will be interested in mitigating impacts at the corner of Main Street and 112th Avenue/I-405.

Councilmember Davidson questioned whether any consideration has been given to boring underneath I-405 to travel east. Mr. Billen said the concept was explored in the early planning phase. However, this was not considered to be a viable option. He noted that the tunnel boring that would be required would progress approximately 30 feet per day.

Councilmember Chelminiak thanked Sound Transit staff for their work. He is in favor of the proposed 110th Avenue option, as it would avoid neighborhood and business impacts inherent in the other alternatives. Mr. Chelminiak noted that the Council is unanimous in its preference for a tunnel through Downtown.

Mr. Billen described Segment D through the Bel-Red and Overlake areas. The preferred alternative is an at-grade alignment with two stations in the Bel-Red Corridor and one station in the Overlake Village area. The City Council and the Sound Transit Board asked staff to evaluate a retained cut station on the Spring District site at 124th Avenue. Mr. Billen explained that conceptual engineering was conducted before Sound Transit was aware of the Spring District development plans. However, preliminary engineering focused on integrating light rail with the City's NE 15th/16th corridor conceptual engineering and land use planning.

In order to reduce right-of-way impacts and costs, staff explored the possibility of adjusting the preferred at-grade alternative. This hybrid alternative involves separating the road from the rail line to achieve a narrower cross section that is more pedestrian friendly. Mr. Billen said Sound Transit and City staff have looked at the retained cut alternative, which has significant cost

impacts on the light rail alignment. In addition, the depth required introduces some urban design challenges. The hybrid alternative and the retained cut alternative will receive further analysis in the FEIS process. Mr. Billen noted another option using a section of the BNSF rail line, as well as one using an elevated instead of at-grade option to cross 124th.

Responding to Mayor Degginger, Mr. Billen said the C9T route (110th Avenue tunnel) is shorter than the at-grade alternative and the 106th and 108th Avenue tunnels.

Transportation Director Goran Sparrman added that the C9T option avoids complications and extra costs for the City's future road projects that would be caused by other downtown alignments.

Continuing, Mr. Billen recalled that the City's comment letter asked Sound Transit to consider an elevated crossing at NE 20th Street. To address this and traffic conflicts in the Overlake Village area, Sound Transit is modifying the DEIS elevated alternative to be entirely elevated over NE 20th Street and through Overlake Village. Sound Transit will develop cost estimates to compare this to the original alternative.

Next steps are the supplemental environmental review, public workshops beginning October 12, at-grade peer review beginning October 19, and a value analysis session during the week of October 26. The Sound Transit Board will be updated on November 12. Project costs are to be updated during the first quarter of 2010.

Mayor Degginger expressed concern with the schedule, including that project costs will not be updated until early next year. Mr. Billen said staff plans to have a conceptual engineering level cost estimate for the C9T option (110th Avenue Tunnel) by November 12.

Councilmember Bonincontri thanked Sound Transit staff for their work, and for identifying the additional C9T alternative for the Downtown.

Responding to Ms. Bonincontri, Mr. Ilgenfritz said the finance plan will be updated upon the completion of preliminary engineering and the Board's selection of a preferred alternative.

Referring to the Sound Transit Board's expectation that the City of Bellevue contribute additional funding for a downtown tunnel alternative, Mayor Degginger noted the difficulty in identifying funding without yet having a cost estimate for the C9T alternative.

Mayor Degginger thanked Sound Transit staff for the update.

At 8:46 p.m., Mayor Degginger declared a short break. The meeting resumed at 8:57 p.m.

- (c) Limited Public Hearing to Consider Taking an Official Position on Initiative 1033 on the November 3, 2009, General Election Ballot

Ballot Title: *Initiative No. 1033 concerns AN ACT Relating to protecting taxpayers by limiting the tax burden on Washington's citizens; adding a new section to chapter 43.135 RCW; amending RCW 84.52.065; adding new sections to chapter 36.33 RCW; adding new sections to Title 35 RCW; adding new sections to Title 35A RCW; amending RCW 84.52.043; amending RCW 84.55.010; and creating new sections. This measure would limit growth of certain state, county and city revenue to annual inflation and population growth, not including voter-approved revenue increases. Revenue collected above the limit would reduce property tax levies.*

Should this measure be enacted into law? Yes [] No []

Resolution No. 7994-A supporting State Initiative 1033 (I-1033); or
Resolution No. 7994-B opposing State Initiative 1033 (I-1033).

Mayor Degginger provided a brief summary of Initiative 1033.

Deputy City Attorney Kate Berens explained that it is within the Council's authority to support or oppose a ballot proposition. Under RCW 42.17.130, the City Council is authorized at open public meeting to express a collective decision and to vote upon a motion or resolution to support or oppose a ballot proposition. Prior notice must be given of the meeting, including the ballot title and number of the proposition. Staff has provided the full text of the ballot title on the agenda for tonight's meeting.

In addition, direct notification of the public comment opportunity has been published in several outlets including *The Seattle Times* and the City's website. Members of the Council or public must be afforded an approximately equal opportunity for expression of their views on this matter. This requirement is met through scheduling tonight's limited public hearing giving an opportunity for the public to testify in support of or opposed to the ballot proposition.

Mayor Degginger noted that no one has signed up to speak on the issue.

- Deputy Mayor Balducci moved to open the public hearing, and Councilmember Chelminiak seconded the motion.
- The motion to open the public hearing carried by a vote of 7-0.

Alison Bennett, Policy Advisor, provided a brief staff report. She recalled staff's briefing to the Council on September 21 regarding the anticipated impacts of I-1033. If approved, the initiative establishes a limit on General Fund revenues by limiting revenue growth to an annual increase in population and inflation. Any revenues collected above that limit would be required to be used to reduce the City's property tax levy. Staff used this information and a model developed by the Association of Washington Cities to analyze the impacts for Bellevue. It was determined that the initiative could cause a cumulative \$35 million reduction to the General Fund by 2015. Revenues have dropped sharply in 2009, and under the initiative these revenues become the

baseline for future revenue growth. Any future recessions would have further adverse impacts to the City's General Fund.

- Seeing no one wishing to speak, Deputy Mayor Balducci moved to close the public hearing. Councilmember Bonincontri seconded the motion.
- The motion to close the public hearing carried by a vote of 7-0.

Deputy Mayor Balducci thanked the Council for agreeing to consider taking a position on this ballot proposition. The initiative sounds deceptively simple and intuitive to limit the growth of revenues to inflation plus population growth. However local governments have been losing revenue tools over the years, and Bellevue is now experiencing significant shortfalls in the operating and capital budgets. I-1033 would establish an artificial recession-based revenue baseline that would permanently determine future revenue growth.

Ms. Balducci noted the City's long record of maintaining low property taxes. The City of Seattle's Budget Director projects that over the long term, I-1033 would essentially eliminate the property tax. I-1033 calculates all revenues from all sources, and uses any excess to pay down property taxes. This means that all taxes paid, including sales tax, will go toward lowering property taxes within the jurisdiction of the sales, which Ms. Balducci feels is unfair.

Deputy Mayor Balducci supports taking an official position opposed to I-1033.

Councilmember Davidson said he too opposes the initiative, which limits the ability of the Council and staff to balance and manage the budget.

Noting that he opposes the initiative, Councilmember Creighton suggested that if citizens are unhappy with how government budgets are managed, they would benefit by supporting elected officials who will do a better job. He noted Bellevue's long track record of responsible budget management and maintaining one of the lowest property tax rates in the state.

Councilmember Lee stated that he opposes the initiative.

Councilmember Chelminiak opposes the initiative as well. He acknowledged that some governments spend beyond their means. However I-1033 ultimately reduces property taxes, which are a stable revenue source, and increases government dependence on the sales tax, which is a volatile and less reliable revenue source. Mr. Chelminiak noted that the sales tax has become a primary revenue source for mass transit and bus service, which is experiencing a significant budget shortfall due to the reduced sales tax collections of the current recession.

Mayor Degginger expressed support for the observations and statements of the Council. He stated that sound fiscal management is best left to effective and responsible elected officials and staff, rather than being controlled by simplistic mandates that limit flexibility and long-term planning. He feels I-1033 will not serve the City well.

- Deputy Mayor Balducci moved to approve Resolution 7994-B opposing State Initiative 1033 (I-1033), and Mayor Degginger second the motion.
- The motion to approve Resolution 7994-B opposing State Initiative 1033 (I-1033) carried by a vote of 7-0.
- (d) Consideration of Request to Reschedule the Limited Public Hearing on the Appeal of the Hearing Examiner's decision on the Conditional Use Permit Application of Kemper Development (Helistop)

Deputy City Attorney Kate Berens requested the Council's consideration of a procedural issue related to the Helistop Conditional Use Permit appeal that has been filed. Parties to the appeal have requested a change in the October 19 date of the Limited Public Hearing.

Responding to Mayor Degginger, Ms. Berens said staff suggests November 2 as an alternative date for the hearing, which was identified as a preferred date in the request by one of the parties.

Responding to Councilmember Chelminiak, Ms. Berens said the upcoming election will be certified on November 24, and any new Councilmembers will be sworn in at the earliest opportunity after that.

Councilmember Chelminiak said he would like to be able to participate fully in the hearing on this matter, and he is unable to attend the meeting of November 9.

Councilmember Davidson noted a conflict on November 9 as well.

Mayor Degginger reviewed the anticipated process. If the hearing is held on November 2, discussion and action could be scheduled for November 16 and continued to November 23 if needed.

- Deputy Mayor Balducci moved to reschedule the Limited Public Hearing on the Helistop Conditional Use Permit Appeal to November 2, and Councilmember Chelminiak seconded the motion.
- The motion to reschedule the Limited Public Hearing to November 2 carried by a vote of 7-0.

At 9:19 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

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